Indus - Statistics II

1945 **File No.** 45

Legal Department

B **BRANCH**

Subject:— Rules and Notifications Under the Industrial Statistics Act, 1942

4/1945 6

File No. Indus - Statist. - 1945

Form 104 a.

413-B

Office of the R.L.A.

The preamble to the draft notification is in order but the reference to Appendix B to Schedule I of the draft is inept as the Appendix is not incorporated in the draft. Since the draft as settled by the Government of Indian is to be published in all the provinces it is inadvisable for this Government to interefere with it.

Part G (in the linked case) has been vetted only from the drafting point of view.

o/c Sd/-

Remembrancer of Legal Affairs.

U;R. to G.D., No. 6770 , dated the 15th September 1945.

C.G.A. 16-7

C 5

4/87

Notification.

General Department

Bombay Castle, 1945

Industrial Statistics Act, 1942.

No. 4190/33.- In exercise of the powers conferred by sub-section (1) of section 12 of the Industiral Statistis Act, 1942 (XIX of 1942), and in supersession of Government Notification in the General Department No. 4190/33, dated the 31st March 1944, the Governmentof Bombay is pleased to make the following rules for carrying out the purposes of the Act so far as it relates to collection of statistics relating to some of the matters in clause (a) of sub-section (1) of section 3 of the Act, the same having been previously published as required by sub-section (1) of the said section 12, namely :-

R.L.A.'s Office.

A revise draft preamble is sent herewith.

2. The preamble has been vetted only from the drafting point of view.

o/c Sd/-

Remembrancer of Legal Affairs.

U.R. to G.D., No. 9053 dated the 4th December 1945.

C.G.R. 16-7-
C 5

Office of the R.L.A.

It is understood that the original copy of the notices in question has been signed by the Statistics Authority himself and from a copy obtained from the Office of the Statistics Authority (especially its opening and heading)! it appears that the notices are issued by that Authority himself. If so, the notices are not rendered invalid if the Statistica Authority in order to avoid pressure of work has delegated authority to another officer to sign the notices "for him" (see A on page 1). This view is supported by the decision of the Bombay High Court in the case of Imperator vs. Shankar Sakharam Jamkhedkar (cr. Application No. 614 of 1944). In that case a license issued by the District Magistrate under clause 3 of the Food-grains Control Order was signed "for him" by his subordinate but the High Court held that if the District Magistrate delegates authority for signing the license to a subordinate of his, the license is not rendered invalid thereby. Until a Court holds to the o contrary, the notices already issued can be considered valid valid. It would of course be safest if the statistics Authority himself signed all copies in futhre. futhur future. The point considered in paragraph 3 of R.L.A's opinion No. 8643, dated the 22nd November 1943, was different and has no application to the present case.

o/c Sd/-
Deputy Secretary to Government

U.R. to G.D., No.9749, dated the 31st December, 1945.

C.G.R. 16-7

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